

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2004/006134	International filing date (day/month/year) 07.06.2004	Priority date (day/month/year) 01.07.2003
International Patent Classification (IPC) or both national classification and IPC H04Q7/32, G01S5/14, H04M1/60, H04R29/00, H04M1/06		
Applicant PRECISA INSTRUMENTS AG		

T : ~~1.8.05~~ not - fl
WV : ~~1.8.05~~ not - fl

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Weinmiller, J Telephone No. +31 70 340-3884
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

10/562771

International application No.
PCT/EP2004/006134

IAP20 Rec'd PCT/PTO 29 DEC 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/006134

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:

- paid additional fees.
 paid additional fees under protest.
 not paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

complied with

not complied with for the following reasons:

see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

- all parts.
 the parts relating to claims Nos.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/006134

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	3,4,6-26
	No:	Claims	1,2,5,27-29
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-29
Industrial applicability (IA)	Yes:	Claims	1-29
	No:	Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/006134

IAP20 Rec'd PCT/PTO 29 DEC 2005

Re Item IV.

The separate inventions/groups of inventions are:

- 1-26 Mobile station with means for signal-strength-measurment based position determination means in addition to satellite based position determination means
- 27-29 docking station for mobile terminal

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The application lacks unity within the meaning of Article 82 EPC for the following reasons:

The common concept linking together the independent claims 1 and 27 is the provision of a mobile terminal. This common feature is not novel. None of the other features found in each of the first independent claim is found in the other independent claim.

Re Item V.

- 1 The following documents are referred to in this communication:
 - D1 : US 6 449 486 B1 (RAO PADMANABHA R) 10 September 2002 (2002-09-10)
 - D2: US 2003/008680 A1 (KENNEDY PATRICK J ET AL) 9 January 2003 (2003-01-09)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document):

Mobile phone(see D1, column 1, line 22), in a telephone communication network comprising base stations (see D1, Figure 1);
 - detection means for detecting both a strength value corresponding to the strength of a signal received from the present base station and an identification code of the present base station (see D1, column 2, line 5-9 and column 3, line 48-51);
 - position information reception means for receiving an information signal of a satellite-based positioning system (see D1, column 2, line 12-13);

- first computation means for computing the current position of the mobile phone based on the signal received by the position information reception means (see D1, column 3, line 67 - column 4, line 2);
- second computation means for computing the current position of the mobile phone based on the strength value and the identification code detected by the detection means (see D1, column 4, line 39-42); and
characterised in that the mobile phone further comprises
- position message compiling means for compiling a position message comprising the most current position values computed by the first and second computation means; wherein the communication means is adapted to send the position message via said telephone communication network (see D1, column 3, line 19-21 and line 65-67 and column 5, line 31-36).

3 DEPENDENT CLAIMS 2-26

Dependent claims 2-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

4 INDEPENDENT CLAIM 27

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 27 is not new in the sense of Article 33(2) PCT.

Document D2 discloses (the references in parenthesis applying to this document):

Docking station for a mobile phone (see D2, paragraph 0010, line 3-4) comprising:

- holding means for mechanically holding the mobile phone in a stable position (see D2, paragraph 0011, line 4-5);
- contact means to provide electrical contact between the docking station and the mobile phone (see D2, paragraph 0011, line 6-7); and
- power supply means to load a battery of the mobile phone via said contact means (see D2, paragraph 0015, line 3-6);
characterised in that the docking station further comprises
- ID storing means to store and individual identification code of the docking station, wherein the individual identification code of the docking station is provided to the mobile phone via said contact means (see D2, paragraph 0042, line 32-38).

5 DEPENDENT CLAIMS 28-29

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
PCT/EP2004/006134

Dependent claims 28-29 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).